

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARVIN GERBER, et al.,

Plaintiffs,

Case No. 19-13726

HON. VICTORIA A. ROBERTS

v.

HENRY HERSKOVITZ, et al.,

Defendants.

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**ORDER DENYING WITHOUT PREJUDICE DEFENDANTS' MOTION
FOR ATTORNEY FEES AND SANCTIONS [ECF No. 73]**

Plaintiffs appealed several decisions of this Court to the Sixth Circuit Court of Appeals: (1) Order granting Defendants' Motion to Dismiss [ECF No. 65]; (2) Order denying Plaintiffs' Motion for Reconsideration [ECF. No. 69]; and (3) Order denying Motion for Leave to File Supplement. [ECF No. 70].

Because the case is on appeal and the Sixth Circuit's determination could effect who the prevailing party is, the Court **DENIES WITHOUT**

PREJUDICE Defendants Herskovitz, Harb, Saffold, List, and Marks' Motion for attorney fees as the prevailing party under filed 42 U.S.C. § 1983 and sanctions under 28 U.S.C. § 1927. [ECF No. 73].

Following the appeal and depending on its outcome, the parties will be free to consider filing motions for attorney fees and/or sanctions.

ORDERED.

Date: February 16, 2021

s/ Victoria A. Roberts
Victoria A. Roberts
United States District Court Judge